

House Amendment 1318

PAG LIN

1 1 Amend the amendment, H=1095, to House File 320 as
1 2 follows:
1 3 #1. Page 2, by striking lines 4 through 7 and
1 4 inserting the following:
1 5 <Sec. _____. Section 321J.4B, subsection 2, Code
1 6 2007, is amended to read as follows:
1 7 2. A motor vehicle is subject to impoundment in
1 8 the following circumstances:
1 9 a. If a person operates a vehicle in violation of
1 10 section 321J.2, and ~~if is~~ convicted for that conduct,
~~1 11 the conviction would be a second or subsequent offense~~
~~1 12 under section 321J.2.~~
1 13 b. If a person operates a vehicle while that
1 14 person's driver's license or operating privilege has
1 15 been suspended, denied, revoked, or barred due to a
1 16 violation of section 321J.2.
1 17 The clerk of court shall send notice of a
1 18 conviction of an offense for which the vehicle was
1 19 impounded to the impounding authority upon conviction
1 20 of the defendant for such offense.
1 21 Impoundment of the vehicle under this section ~~may~~
1 22 shall occur in addition to any criminal penalty
1 23 imposed under chapter 321 or this chapter for the
1 24 underlying criminal offense.
1 25 Sec. _____. Section 321J.4B, subsection 3,
1 26 unnumbered paragraph 1, Code 2007, is amended to read
1 27 as follows:
1 28 The motor vehicle operated by the person in the
1 29 commission of any offense included in subsection 2 ~~may~~
1 30 shall be immediately impounded or immobilized in
1 31 accordance with this section.
1 32 Sec. _____. Section 321J.4B, subsection 5, paragraph
1 33 b, unnumbered paragraph 1, Code 2007, is amended to
1 34 read as follows:
1 35 Upon conviction of the defendant for a violation of
1 36 subsection 2, paragraph "a", the court ~~may shall~~ order
1 37 continued impoundment, or the immobilization, of the
1 38 motor vehicle used in the commission of the offense,
1 39 if the convicted person is the owner of the motor
1 40 vehicle, and shall specify all of the following in the
1 41 order:>>
1 42 #2. Page 2, line 16, by inserting after the word
1 43 <barred> the following: <or who is convicted of an
1 44 operating=while=intoxicated offense>.
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1 48 PAULSEN of Linn
1 49 HF 320.301 82
1 50 rh/cf/7828